

ALVERSON TAYLOR & SANDERS
LAWYERS
6605 GRAND MONTECITO PKWY STE 200
LAS VEGAS, NV 89149
(702) 384-7000

1 J. BRUCE ALVERSON, ESQ.
2 Nevada Bar No. 1339
3 KARIE N. WILSON, ESQ.
4 Nevada Bar No. 7957
5 **ALVERSON TAYLOR & SANDERS**
6 6605 Grand Montecito Pkwy, Ste. 200
7 Las Vegas, NV 89149
8 702-384-7000 Phone
9 702-385-7000 Fax

10 MATTHEW G. COOGAN (*pro hac vice* application pending)
mcoogan@lswlaw.com
11 JOHN S. SIFFERT (*pro hac vice* application pending)
jsiffert@lswlaw.com
12 BRICE JASTROW (*pro hac vice* application pending)
bjastrow@lswlaw.com
13 LANKLER SIFFERT & WOHL LLP
500 Fifth Avenue
14 New York, NY 10110
(212) 921-8399

15 *Attorneys for Respondent Jing Cao*

16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 *In re Ex Parte Application of*
19 EVENSTAR MASTER FUND SPC for and on
Behalf of EVENSTAR MASTER SUB-FUND
20 I SEGREGATED PORTFOLIO; and
EVENSTAR SPECIAL SITUATIONS
LIMITED,

21 *Applicants,*

22 For an Order Pursuant to 28 U.S.C. 1782 to
Obtain Discovery from JING CAO MO for
23 Use in a Foreign Proceeding

24 Case No.: 2:20-cv-02333-KJD-BNW

**RESPONDENT JING CAO'S
MOTION TO QUASH
SUBPOENAS ISSUED BY EVENSTAR
MASTER FUND SPC AND EVENSTAR
SPECIAL SITUATIONS LIMITED
PURSUANT TO 28 U.S.C. § 1782**

25 Jing Cao brings this motion pursuant to Rule 45 of the Federal Rules of Civil Procedure
26 to quash subpoenas for documents and deposition testimony served on her by Evenstar Master
27 Fund SPC and Evenstar Special Situations Limited (together, "Evenstar") pursuant to the Court's

1 January 14, 2021 order granting Evenstar's *ex parte* application for authority to issue subpoenas
2 (ECF No. 10). This motion is based on the following memorandum of points and authorities,
3 which, for brevity and clarity, refers to and incorporates by reference Ms. Cao's separate
4 Memorandum of Points and Authorities in Opposition to Petitioner's Motion to Compel
5 Compliance with Subpoenas *duces tecum* and *ad testificandum* (the "Opposition
6 Memorandum") (ECF No. 31); the declarations submitted therewith (ECF Nos. 32 (Declaration
7 of Jing Cao (the "Cao Declaration")), 33 (Declaration of Hector Robinson QC (the "Robinson
8 Declaration")), and 34 (Declaration of Matthew G. Coogan (the "Coogan Declaration"))); the
9 prior papers filed in this action; and any oral argument that this Court may permit.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

ALVERSON TAYLOR & SANDERS
LAWYERS
6605 GRAND MONTECITO PKWY STE 200
LAS VEGAS, NV 89149
(702) 384-7000

MEMORANDUM OF POINTS AND AUTHORITIES

On April 8, 2021, Evenstar moved to compel Jing Cao, a non-party to the underlying Cayman Islands proceedings and the wife of Vincent Tianquan Mo, a party to the Cayman case, to produce third-party discovery pursuant to 28 U.S.C. § 1782 (the “Motion to Compel”) (ECF No. 18). On May 7, 2021, Ms. Cao filed her Opposition Memorandum and accompanying declarations. (ECF Nos. 31–34.)

Pursuant to the parties' stipulated briefing schedule "so ordered" by the Court on April 23, 2021 (ECF No. 24), Ms. Cao submits this separate motion to quash seeking an order quashing Evenstar's deposition and document subpoenas (the "Subpoenas," attached as Exhibit A-8 to the Second Declaration Elise S. Faust, dated April 8, 2021 (ECF No. 18-1)). So as not to burden the Court with duplicative briefing, we respectfully refer the Court herein to Ms. Cao's Opposition Memorandum, the Cao Declaration, the Robinson Declaration, and the Coogan Declaration.

Evenstar’s Subpoenas should be quashed: *First*, Ms. Cao possesses no responsive documents. (Opp’n Mem. at 13; Cao Decl. ¶¶ 14–15.) *Second*, Mr. Cao has no responsive, non-privileged testimony to provide. (Opp’n Mem. at 13–15; Cao Decl. ¶¶ 16–22.) *Third*, to the extent that the Subpoenas seek discovery that is potentially relevant to the underlying Cayman proceedings, they are unduly intrusive and burdensome to Ms. Cao because such discovery can best be obtained directly from the parties to the Cayman proceedings rather than from third-party Ms. Cao. (Opp’n Mem. at 15–17.) *Fourth*, the Subpoenas are vastly overbroad. (Id. at 17–19.) *Fifth*, the Subpoenas seek duplicative documents and testimony currently being pursued by Evenstar against other entities in the Southern District of New York. (Id. at 19–20.) *Sixth*, in the alternative, the Subpoenas should be modified so as to adjourn them until after responsive

1 pleadings have been filed and issue has been joined in the Cayman proceedings, thus allowing
2 the Cayman court to determine the proper scope of discovery. (Id. at 20.)

3 Dated this 7th day of May 2021.

4 ALVERSON TAYLOR & SANDERS

5 
6 J. BRUCE ALVERSON, ESQ.

7 Nevada Bar No. 1339

8 KARIE N. WILSON, ESQ.

9 Nevada Bar No. 7957

10 6605 Grand Montecito Pkwy, Ste. 200

11 Las Vegas, NV 89149

12 702-384-7000 Phone

13 702-385-7000 Fax

14 LANKLER SIFFERT & WOHL LLP

15 MATTHEW G. COOGAN, ESQ. (*pro hac*
16 *application pending*)

17 JOHN S. SIFFERT, ESQ. (*pro hac application*
18 *pending*)

19 BRICE JASTROW, ESQ. (*pro hac application*
20 *pending*)

21 500 Fifth Avenue

22 New York, NY 10110

23 (212) 921-8399

24 *Attorneys for Jing Cao*

ALVERSON TAYLOR & SANDERS
LAWYERS
6605 GRAND MONTECITO PKWY STE 200
LAS VEGAS, NV 89149
(702) 384-7000

1 **CERTIFICATE OF ELECTRONIC SERVICE**

2 I certify that on the 7th day of May 2021, service of the above and foregoing
3 **RESPONDENT JING CAO'S MOTION TO QUASH SUBPOENAS ISSUED BY**
4 **EVENSTAR MASTER FUND SPC AND EVENSTAR SPECIAL SITUATIONS LIMITED**
5 **PURSUANT TO 28 U.S.C. § 1782** was made by electronically filing a true and correct copy of
6 the same to each party addressed as follows:

7 Elise S. Faust
8 One Manhattan West
9 New York, NY 10001
10 212-735-3000 x2519
11 Email: elise.faust@skadden.com

12 Eva Y Chan
13 Skadden, Arps, Slate, Meagher & Flom LLP
14 One Manhattan West
15 New York, NY 10001
16 212-735-3000
17 Fax: 212-735-2000
18 Email: eva.chan@skadden.com

19 Rosa Solis-Rainey
20 Steve L. Morris
21 Morris Law Group
22 801 S. Rancho Dr., Suite B4
23 LAS VEGAS, NV 89106
24 702-474-9400
Fax: 702-474-9422
Email: rsr@morrislawgroup.com
Email: sm@morrislawgroup.com

25 Timothy G Nelson
26 Skadden, Arps, Slate, Meagher & Flom LLP
27 One Manhattan West
28 New York, NY 10001
29 212-735-3000
Fax: 212-735-2000
Email: timothy.g.nelson@skadden.com

wp

Employee of ALVERSON TAYLOR & SANDERS